

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)Application No. NUSF-15/
of the Nebraska Public Service) C-2108
Commission Universal Service Fund) DC-32
Department seeking an order to)
cease and desist operations and)COMPLAINT DISMISSED IN PART
to revoke the Certificates of)AND SUSTAINED IN PART
Public Convenience and Necessity)
issued to the named defendants.)Entered: October 26, 1999

BY THE COMMISSION:

By petition dated August 24, 1999, the Universal Service Fund Department (Department) of the Nebraska Public Service Commission opened this docket requesting the Commission to revoke the intrastate operating authority of various defendants for failing to file an access flow-through toll plan pursuant to Commission Order C-1628/NUSF, Progression Order No. 5, and in part, Neb. Rev. Stat.

sec. 75-609(3) (1999 Slip Law). All interexchange carriers (IXCs) who had not filed an access flow-through toll plan with the Commission were named as defendants in this docket. Notice of this docket was published in The Daily Record, Omaha, Nebraska, on August 26, 1999. A hearing was held October 19, 1999, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who did not satisfy the filing requirement. No defendant made an appearance at the hearing.

O P I N I O N A N D F I N D I N G S

The defendants are telecommunications companies generally regulated by the Commission pursuant to Neb. Rev. Stat. secs. 75-101 et. seq. (1998 Cum. Supp.), 86-801 to 86-811 (Reissue 1994) and 86-1401 to 86-1410 (1998 Cum. Supp.). These companies are also governed by Title 291, NAC Chapters 1 and 5 of the Commission's Rules and Regulations.

As part of its regulatory authority pursuant to the Nebraska Telecommunications Universal Service Fund Act, the Commission, on September 15, 1997, entered an order in Docket No. C-1628 to investigate the structure of intrastate access charges and to establish the Nebraska Universal Service Fund. All certificated interexchange and local exchange carriers were named as parties in that docket and were mailed a copy of said order.

On March 9, 1999, the Commission entered Progression Order No. 5 in Docket No. C-1628/NUSF that required all interexchange carriers to file toll plans on or before August 1, 1999. Such plans were to demonstrate that the access reductions filed by local exchange carriers will be passed-through to end users as required by Neb. Rev. Stat. sec. 75-609(3). All interexchange companies were mailed a copy of this order on March 11, 1999.

The defendants originally named in the complaint failed to comply with the mandates of Section 75-609(3). Therefore, this Commission, pursuant to the legislative authority granted in Section 75-133, may revoke the Certificates of Public Convenience and Necessity issued to the defendants.

The Commission subsequently determined that several defendants had adequately complied with the provisions of Section 75-609(3) and had satisfied the filing requirement. Therefore, such parties were dismissed from the complaint in previous Commission orders.

The Commission finds that New Media Telecommunications, Inc. has subsequently satisfied the filing requirement and should be dismissed from the complaint as well. Furthermore, as USN Communications Long Distance, Inc. voluntarily withdrew its certificate on October 26, 1999, it too should be dismissed from this complaint.

The remaining defendants, named herein, received from the Commission letters dated July 13, 1999, and August 11, 1999, which restated the toll plan filing requirement and deadline and warned of possible certificate revocation. The defendants were given the option of being removed from this proceeding by filing an access flow-through toll plan with the Commission. The defendants were also sent copies of the original complaint and Order to Show Cause entered on August 24, 1999, and notice of the October 19, 1999, public hearing.

The following defendants in this matter have not filed an access flow-through toll plan and have disregarded all requests to do so. Accordingly, we find the Certificates of Public Convenience and Necessity issued to the following defendants should be revoked and each defendant should be ordered to cease and desist operations in Nebraska:

ACS TEL COM, Inc.
Access Point, Inc.
CTN Telephone Network, Inc.
Coast International, Inc.
Conquest Operator Services Corp.
Cyberlight International, Inc.
erbia Network, Inc.
Innovative Telecom Corporation
Intelcom, Inc.
Intelnet International Corp.
International Telecommunications Corp.
LECNNet, Inc.
QAI, Inc. d/b/a Long Distance Billing
Long Distance Services, Inc.
New Concept Communications, LLC
Paradigm Communications Corporation
Phase 2 Telesystems, Inc.
Quest Telecommunications, Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that New Media Telecommunications, Inc. and USN Communications Long Distance, Inc. be, and they are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to ACS TEL COM, Inc.; Access Point, Inc.; CTN Telephone Network, Inc.; Coast International, Inc.; Conquest Operator Services Corp.; Cyberlight International, Inc.; erbia Network, Inc.; Innovative Telecom Corporation; Intelcom, Inc.; Intelnet International Corp.; International Telecommunications Corp.; LECNet, Inc.; QAI, Inc. d/b/a Long Distance Billing; Long Distance Services, Inc.; New Concept Communications, LLC; Paradigm Communications Corporation; Phase 2 Telesystems, Inc.; and Quest Telecommunications, Inc. be, and they are hereby, revoked pursuant to Neb. Rev. Stat. sec. 75-133 and each defendant is hereby ordered to cease and desist operations in Nebraska.

IT IS FURTHER ORDERED that the defendants whose certificates have been revoked herein are hereby required to notify all of their Nebraska customers within 30 days to inform them that said defendant has had its Certificate of Public Convenience and Necessity revoked and is no longer authorized to provide service in the state of Nebraska.

IT IS FURTHER ORDERED that said defendants are hereby ordered to pay for all related switching charges for Nebraska customers associated with the revocation of their certificate and the discontinuance of service in the state of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of October, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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